

MONTANA SUPREME COURT **FILED**

OCT 15 2008

JEFFERY JOHN LOUT,
PETITIONER,

VS.,
STATE OF MONTANA,
RESPONDENT.

) CAUSE NO: DC: 02-78
) MOTION ^{CLERK OF THE SUPREME COURT}
) OBJECT TO
) THE OCTOBER 8, 2008
) ORDER TO
) SET ASIDE AS VOID.

COMES NOW, JEFFERY JOHN LOUT, PETITIONER (LOUT)
AND ACTING IN FORMA PAUPERIS AND CURRENTLY ACTING
PRO SE LITIGANT, DOES HEREBY FILES THIS MOTION TO
OBJECT TO THIS COURTS OCTOBER 8, 2008 ORDER TO SET
ASIDE AS VOID.

STATEMENTS AND OBJECTIONS

1.) THIS COURT STATES THAT LOUT FAILED TO SPECIFY
WHAT EVIDENCE HE HAS DISCOVERED SHOWING LANGTON'S IMPARTIALITY.
LOUT, HEREBY OBJECTS AND STATES THE FOLLOWING IN SUPPORT.

2.) THE FACTS ARE: THAT LOUT HAS RAISED A SUBSTANTIAL
AMOUNT OF FACTS TO SUPPORT THE NEED OF DISQUALIFICATION
OF JUDGE, WITH PERHAPS THE MOST CRUCIAL AND VITAL FACT
OF LANGTON'S UNETHICAL BEHAVIOR WHICH HAS RESULTED IN
LANGTON BEING CRIMINALLY PROSECUTED, AS
THE COURT.

RECEIVED

ED SMITH
Clerk of Supreme Court
State of Montana

3) ON AUGUST 15, 2008; LOUT FILED TO THE TWENTY-FIRST JUDICIAL COURT (3) THREE MOTIONS, AND WAS FILED IN THE FOLLOWING ORDER: (1) MOTION TO WITHDRAW GUILTY PLEA AND/OR PETITION FOR POST-CONVICTION, WHICH ~~LOUT~~ SUPPORTED, WITH (2) MOTION TO COMPEL PRODUCTION OF COURT TRANSCRIPTS AND APPOINT COUNSEL FOR INDIGENT DEFENDANT AND (3) MOTION TO DISQUALIFY JUDGES.

c) IN LOUT'S MOTION (THE INITIAL) TO WITHDRAW GUILTY PLEA..., LOUT SPECIFICALLY OUTLINES THE EVIDENCE HE DISCOVERED TO SUPPORT TO HAVE JUDGE LANGTON DISQUALIFIED, IN ARGUMENT 2.

b) IF THE COURT WOULD PLEASE REFER TO LOUT'S MOTION TO WITHDRAW GUILTY PLEA..., ARGUMENT 2 SEE THE FOLLOWING:

i) PP. 17, § E-i.

ii) PP. 18, § E-ii & iii AND F-i.

iii) PP. 19, § F-ii (a), (b) & (c) AND # 47-(2).

iv) PP. 20, (a) i, ii & iii AND (b).

v) PP. 22, (b) i, ii, iii & iv.

~~(2)~~ IN THE ABOVE LISTED LOUT RAISES NUMEROUS FACTS WHICH FULLY SUPPORT THAT JUDGE LANGTON SHOULD BE DISQUALIFIED FROM THE PROCEEDINGS.

d) THESE CLAIMS SHOW THAT LANGTON SHOWED BIAS AND/OR PREJUDICE ON THE VERY BENCH HE PRESIDED ON OCTOBER 23, 2002 DURING AN UNRELATED SENTENCING HEARING.

e) ~~LOUT~~ FURTHERMORE; LOUT SHOWS THAT HE EVEN WROTE TO HIS COURT APPOINTED COUNSEL ~~ON~~ ^{ON} OCTOBER 24, 2002, REQUESTING THAT SHE (SASHA K. BROWNLEE) SEEK THE TRANSCRIPTS OF OCTOBER 23, 2002

SO THAT THEY BE AMENDED INTO THE DEFENSE RECORD AS EXHIBITS TO SUPPORT THAT BIAS AND PREJUDICE DID IN FACT EXIST IN LOUT'S CASE, BY LANGTON AND T.G. MAHAR.

3.) LOUT FURTHER STATES ON LANGTON'S SEXUAL INTIMATE RELATIONSHIP WITH MS. RHONDA ROY, THE MOTHER OF ALLEGED VICTIM (A) HOWARD HENSON IN LOUT'S CASE. THE VERY SAME MOTHER WHO OFFERED A LETTER AT LOUT'S SENTENCE REVIEW HEARING.

4.) ON SEPTEMBER 22, 2008; LOUT RECEIVED NOTICE FROM THE TWENTY-FIRST DISTRICT COURT CLERK: MERLEEN J. UERCKE, THAT THE DISTRICT COURT RECORD WAS FORWARDED TO THIS COURT IN A NOTICE OF TRANSMISSION OF RECORD, SO THEREFORE, THIS COURT SHOULD HAVE READILY AVAILABLE ACCESS TO THE INITIAL MOTION TO WITHDRAW GUILTY PLEA... WITH EXHIBITS, THIS, SEE EXHIBIT 6.

CONCLUSION

5.) THE FACTS HAVE BEEN OUTLINED BEFORE YOU, THAT LOUT HAS SPECIFICALLY SHOWED "GOOD CAUSE" TO FULLY SUPPORT THAT THE MOTION TO DISQUALIFY JUDGE LANGTON SHOULD BE GRANTED.

6.) FURTHERMORE; IT IS THE DUTY OF THE MONTANA SUPREME COURT TO ADHERE TO THE MATTERS THAT RAISE A "QUESTION OF LAW" IN WHICH IF LEFT UNCORRECTED WOULD VIOLATE THE CONSTITUTIONAL RIGHTS OF THE DEFENDANT. SUCH AS IMPROPER INFORMATION, WHICH IS LISTED IN THIS COURT'S ORDER.

SEE: STATE V. McCAFFERY, FARRELL (IN RE: FARRELL, 36 MONT. 254 AND MONTANA UNIFORM DISTRICT COURT RULES, RULE 2 SUPPORTED BY GERSTEIN, et al.

7) MOREOVER; FOR THIS COURT TO FAIL TO DISQUALIFY A JUDGE, WHO NOT ONLY HAS BLATANTLY VIOLATED THE DUTIES AND ETHICAL CODE, BUT TO SHOW OUT-RIGHT DISREGARD FOR THE VERY LAWS HE IS BOUND UNDER ~~COURT~~^{GOV} OATH TO UPHOLD, WOULD BE AN OUT-RIGHT VIOLATION OF THE DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE DEFENDANTS FOURTEENTH AMENDMENT.

8.) A MISCARRIAGE OF JUSTICE HAS OCCURRED IN THIS ORDER, AND IT IS THE DUTY OF THE COURT TO CORRECT THE ERRORS, THAT IF LEFT UNCORRECTED WOULD CAUSE SIGNIFICANT INJUSTICE.

SEE: PAGE VS. PROVINIS: 179 OKI. 391.

PEOPLE VS. LOPEZ: 251 CAL. APP. 2d 918.

PEOPLE VS. BERNHARDT: 222 CAL. APP 567.

9) IT IS FOR ALL THE REASONS SET FORTH HEREIN THAT LOUT'S MOTION TO OBJECT BE SUSTAINED AND THE DISQUALIFICATION OF JUDGE LANGTON BE GRANTED.

RESPECTFULLY SUBMITTED AND SOLEMNLY SWORN TO UNDER THE PENALTY OF PERJURY ON THIS 10TH DAY OF OCTOBER, 2008,
IN THE COUNTY OF: POWELL
IN THE STATE OF: MONTANA.


JEFFERY JOHN LOUT - PRO SE LITIGANT.

CERTIFICATE OF SERVICE

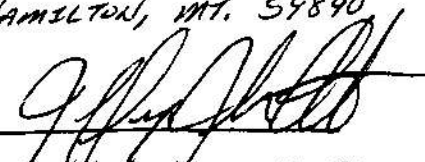
THIS IS TO CERTIFY THAT A TRUE AND CORRECT COPY OF THE
FOREGOING: MOTION TO OBJECT TO COURTS ORDER---, WAS
MAILED FIRST CLASS MAIL FROM THE MAIL ROOM OF THE
MONTANA STATE PRISON ON THIS 13th DAY OF OCTOBER, 2008, TO:

ED SMITH- CLERK
MONTANA SUPREME COURT
P.O. BOX 203003
HELENA, MT 59620-3003

BY: 
JEFFERY JOHN LOUT- PRO SE LITIGANT.

NOTICE TO FORWARD COPY: DUE TO THE DEPT. OF CORRECTIONS LEGAL
TEAM REFUSING TO ALLOW LIBRARIAN DAVE BEATTY TO MAKE
ME PHOTO COPIES OF MY COURT MOTIONS, ECT., I DO
REQUEST THIS COURT CLERK TO COPY AND FORWARD
A COPY TO;

TWENTY-FIRST DISTRICT COURT
205 BEDFORD, SUIT-A
HAMILTON, MT. 59840


JEFFERY JOHN LOUT, PRO SE.